

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO.1179 OF 2015
IN
FIRST APPEAL (ST) NO.8859 OF 2015

Sushila s/o Madanrao Jumale

-vs-

State of Maharashtra, Thr. Collector, Amravati and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri D. M. Upadhye, Advocate for applicant/appellant.
Smt. M. Prabhu, AGP for respondent Nos.1 and 2.
Shri M. M. Agnihotri, Advocate for respondent No.3.

CORAM : A.S.CHANDURKAR, J.
DATE : February 17, 2017

Prayer is to condone delay in filing the first appeal. In the application it has been stated that the Reference Application was dismissed by the Reference Court. The husband of the applicant expired after passing of the impugned award due to which the present applicant could not take immediate steps for filing the first appeal. It is then stated that the earlier counsel who was entrusted with the present proceedings expired and the applicant has obtained the original papers from his office. In these circumstances and on account of lack of funds the appeal could not be filed earlier. It is therefore prayed that delay be condoned.

The application is opposed by the learned counsel for the non-applicant No.3. It is submitted that the delay as caused is inordinate and does not deserve to be condoned.

Having perused the reasons mentioned in the application, I do not find the delay has been caused deliberately. Along with the application the appellant has placed on record the appeal memo indicating the fact that appeal was intended to be filed after the impugned judgment. Hence the delay in filing appeal stands condoned subject to the appellant not being entitled for interest on the amount of compensation if enhanced by this Court for the period from 13/10/2006 till today.

Civil application is allowed and disposed of.

F.A. St. No.8859 of 2015

As the claim for compensation has been dismissed, issue notice for final disposal of the appeal, returnable on **20/03/2017**. Ms M. Prabhu, learned Assistant Government Pleader waives notice for respondent Nos.1 and 2. Shri M. M. Agnihotri, learned counsel waives notice for respondent No.3.

In view of orders passed on C.A.F. No.1179/2015 the appellant would not be entitled for interest on the amount of compensation if enhanced by this Court for the period from 13/10/2006 till today.

JUDGE